

Express # ER 544453604 US
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Mail in an Envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
December 31, 2003
Randall E. Deck
Date of Deposit
Name of Depositor
Signature
Date of Signature

PTO/SB/05 (05-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 0004.04

First Inventor Mathew G. Pelletier

Title Multipath Resistant microwave
Moisture Sensor

Express Mail Label No. ER 544453604 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Commissioner for Patents
Mail Stop Patent Application
P.O. Box 1450, Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27. 2.
3. ☒ Specification [Total Pages 43]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 17]
5. ☒ Oath or Declaration [Total Sheets 1]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name
in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet &
document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Nonpublication Request Under 35 USC
122(b)(2)(B)(i). Applicant must attach form
PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. _____

Prior application information: Examiner: _____ Art Unit: _____

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

25712

Name (Print/Type)

Randall E. Deck

Registration No. (Attorney/Agent)

34,078

Signature

Date 12/31/03

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FEE TRANSMITTAL

FY2004

Total Amount of Payment **\$ 860.00**

Complete If Known:

Application Number: New
 Filing Date: December 31, 2003
 First Named Inventor: Mathew G. Pelletier
 Examiner Name:
 Art Unit:
 Attorney Docket Number: 0004.04

Method of Payment

1. The Commissioner is hereby authorized to charge any fees set forth in CFR §§ 1.116 to 1.118 to the Deposit Account listed below for the entire pendency of the application, or credit any overpayment to this account. A duplicate copy of this sheet is enclosed:

Deposit Account Number: **50-2132**

Deposit Account Name: **USDA-ARS-OTT**

Fee Calculation:

1. Basic Filing Fee

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770.00	Utility Filing Fee	\$ 770.00
1002	340.00	Design Filing Fee	
1003	530.00	Plant Filing Fee	
1004	770.00	Reissue Filing Fee	
1005	160.00	Provisional Filing Fee	
SUBTOTAL (1)			\$ 770.00

2. Extra Claim Fees

Total Claims	Extra Claims	Fee From Below	Fee Paid
25 -20** = 5	X	18.00	90.00
Independent Claims 2 -3** = -	X	86.00	-
Multiple Dependent -	X	-	-

** or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
1202	18.00	Claims in excess of 20
1201	86.00	Independent claims in excess of 3
1203	290.00	Multiple dependent claims, if not paid
1204	86.00 **	Reissue independent claims over original patent
1205	18.00 **	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 90.00

FEE CALCULATION (Continued)

3. Additional Fees

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130.00	Surcharge - late filing fee or oath	
1052	50.00	Surcharge - late provisional filing fee or cover sheet	
1053	130.00	Non-English specification	
1812	2,520.00	For filing a request for examination	
1804	920.00*	Requesting publication of SIR prior to Examiner action	
1805	1,840.00*	Requesting publication of SIR after Examiner action	
1251	110.00	Extension for reply within first month	
1252	420.00	Extension for reply within second month	
1253	950.00	Extension for reply within third month	
1254	1,480.00	Extension for reply within fourth month	
1255	2,010.00	Extension for reply within fifth month	
1401	330.00	Notice of Appeal	
1402	330.00	Filing a brief in support of an appeal	
1403	290.00	Request an oral hearing	
1451	1,510.00	Petition to institute a public use proceeding	
1452	110.00	Petition to revive - unavoidable	
1453	1,330.00	Petition to revive - unintentional	
1501	1,330.00	Utility issue fee (or reissue)	
1502	480.00	Design issue fee	
1503	640.00	Plant issue Fee	
1460	130.00	Petitions to the Commissioner	
1807	50.00	Petitions related to provisional appl.	
1806	180.00	Submission of Info. Disclosure Stmt	
8021	40.00	Recording each patent assignment per property (times number of properties)	
1809	770.00	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770.00	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770.00	Request for Continued Examination (RCE)	
1802	900.00	Request for expedited examination Of a design application	

Other Fee (Specify) _____

* Reduced by Basic Filing Paid

SUBTOTAL (3) \$

Submitted By					
Name (Print/Type)	Randall E. Deck	Registration No. (Attorney/Agent)	34,078	Telephone	309/681-6515 309/681-6688 FAX
Signature				Date	12/31/03

Fees current as of 10/01/2003

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NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor		Mathew G. Pelletier
	Title	Multipath Resistant Microwave Moisture Sensor	
	Attorney Docket Number		0004.04

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/31/03
Date


Signature

(309) 681-6515
Telephone number

Randall E. Deck
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) and application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.